IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 9662 of 2004

Between:
Smt. K. Chendrakala W/o Anjaiah
R/o H. No. 17-1-388/L/3 & 4, Laxminagar Colony, Saidabad, Hyderabad

..... PETITIONER

AND

1 The Collector, Hyderabad District Office at Nampally, Hyderabad
2 The Revenue Divisional Officer, Hyderabad Office at Nampally, Hyderabad
3 The Mandal Revenue Officer, Saidabad mandal, Office at Saidabad, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in contemplating to demolish the house bearing No. 17-1-388/L/3&4, constructed by the petitioner on plot No.3 and 4 in Sy. No. 208 admeasuring 125 Sq.yds. at Indraprastacolony, Laxminagar, Saidbad, Hyderabad without any notice and opportunity and without following due-process of law as illegal, unlawful arbitrary and unconstitutional and consequently direct the respondents to demolish the above house property belonging to the petitioner

For the Petitioner:MR.M.DAMODAR REDDY

For the Respondent No.: GP FOR REVENUE

The Court Made the Following :

ORDER:

This writ petition is directed to declare the action of the respondents in contemplating to demolish the house of the petitioner bearing No.17-1-388/L/3&4 in Plot No.3 and 4 admeasuring 125 Sq.Yards in Sy.No.208 of Indraprasta Colony, Lakshminagar, Saidabad, Hyderabad as illegal and arbitrary and consequently to direct them not demolish the said house.

It is stated by the petitioner in the affidavit filed in support of the writ petition that he purchased private patta land i.e., Plot No.3 admeasuring 65 Sq. yards in his name and Plot No.4 admeasuring 60 sq. yards in the name of his mother-in-law from one M.Narsimha Reddy. He constructed a house in the said plot, which was assigned House bearing No. 17-1-388/3&4 and he has been paying municipal tax. His main grievance is that, without issuing any notice and without following due process of law, the respondents are trying to demolish the said house and, in fact, on 9-6-2004 at about 5-00 p.m. some staff members of the respondents came and threatened to demolish the house, but on the resistance of the petitioner and at the instance of his neighbours, they gave 10 days time to vacate the house and went away.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. Both the counsel requested to take up the writ petition itself for hearing at the stage of admission.

Learned counsel for the petitioner contends that the respondents cannot interfere with the possession of the petitioner and demolish the building of the petitioner without following due process of law and therefore seeks a direction to the respondents in this regard.

The learned Government Pleader submits that the land in Sy.No.208 does not belong to the petitioner and therefore he cannot have

any grievance over the said land and he placed the remarks of the 3rd respondent – Mandal Revenue Officer, Saidabad Mandal, wherein it is stated that as per the Town survey records, the land in Sy.Nbo.208 correlates to T.S.No.18, Block-A, Ward 172 of Saidabad village which is classified as patta land standing in the name of one Sri Satyanarayana Prasad and Snagam Laxmi bai. Petitioner has intentionally with a view to grab the adjacent Government burial ground land situated in Sy. No. 207/3, which correlates to T.S.No.14, Block-A ward No.172 of Saidabad village, has shown it as Sy. No. 208, and as per the T.S. records this land is classified as 'G' Grave yeard. It is further denied that the office staff threatened to demolish the petitioner's house.

In view of the specific stand taken by the 3rd respondent that the petitioner is not the owner of the land in Sy.No.208, it is not proper for this Court to grant any directions as prayed for by the petitioner, and more so when there are serious disputed questions of fact relating to the title of the property, which cannot be gone into by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India, and the remedy of the petitioner if any is to approach the competent Civil Court and establish his title and right over the land in question.

There are no merits in this writ petition and it is accordingly dismissed. No costs.

ASSISTANT REGISTRAR

//True copy//

SECTION OFFICER

17-6-2004/asp

To
1 The Collector, Hyderabad District Office at Nampally, Hyderabad
2 The Revenue Divisional Officer, Hyderabad Office at Nampally, Hyderabad
3 The Mandal Revenue Officer, Saidabad mandal, Office at Saidabad, Hyderabad

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